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10/759,642

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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,642	<b>Applicant(s)</b> ERIC YEY ET AL.	
	<b>Examiner</b> PIERRE-LOUIS DESIR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-24 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-24 and 26-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/29/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on 07/29/2009 have been fully considered but they are not persuasive.

Applicants argue that none of the cited references suggest, "...wherein the response identifies the number of the two or more short messages that were unsuccessfully delivered, and wherein the response has one or more error cause elements comprising an indication of the cause of an error that resulted in unsuccessfully delivery of the short messages unsuccessfully delivered."

Examiner respectfully disagrees.

Bird discloses a message distribution system automatically prepares a job status report for the sender. This report summarizes the outcome of the job (i.e., how many recipient messages were delivered successfully and how many failed) and provides details of success/failure on an individual recipient basis (e.g., how many times delivery to a particular recipient was tried and why it failed) (paragraph 226). Therefore, Bird discloses the report identifies the number of the

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two or more messages were unsuccessfully delivered (i.e., how many recipients messages failed). Furthermore, Bird discloses that the report provides details of failure on an individual recipient basis (e.g., how many times delivery to a particular recipient was tried and why it failed, i.e., cause of failure) (see paragraph 226).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7, 14, 19, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Bird et al. (Bird), US 20080278740 A1.

Regarding claims 1, 14, and 26 Chen discloses a method, system, mobile device messaging and a computer-readable medium (refer to claim 34 of Chen for the disclosure of computer readable medium) comprising: a processor and a memory (inherent part of a system) and comprising collecting from an originating system information including content data to be sent to the mobile device (i.e., an SMS request for Internet-based content is received at an SMS Center (SMSC) from a wireless device which does not have a browser. The SMSC relays the SMS request to a proxy server that is coupled to a wireline network, such as the Internet. The proxy server transcodes the SMS request into a different character set and extracts a keyword from the transcoded request) (see col. 3, lines 13-22); generating one or more short messages encapsulating the content data, the short message formatted to be readable by a web service and

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the content data formatted to be readable by the mobile device (i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40); and sending the one or more short messages to the web service for delivery to the mobile device (see col. 3, lines 22-40).

Although Chen discloses a method, system, and medium as described, Chen does not specifically disclose a method, system, and medium comprising receiving a response readable by the originating system that indicates a status of delivery of the two or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one or more child elements representing details of said result element, wherein the response identifies the number of the two or more short messages that were unsuccessfully delivered, wherein a first child count element of a first result element indicates a number of the one or more short messages delivered successfully, and a second child count element of a second result element indicates a number of the one or more short messages unsuccessfully delivered, and wherein the response has one or more error cause elements comprising an indication of the

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cause of an error that resulted in unsuccessfully delivery of the short messages unsuccessfully delivered.

However, Bird discloses that a whole process of accepting a message from a sender and distributing multiple copies of the message to recipients is referred to as a job. When a job is complete, the message distribution system automatically prepares a job status report for the sender. This report summarizes the outcome of the job (i.e., how many recipient messages were delivered successfully and how many failed) and provides details of success/failure on an individual recipient basis (e.g., how many times delivery to a particular recipient was tried and why it failed) (paragraph 226).

Thus, Bird discloses that the delivery status report contains results elements (i.e., successful and unsuccessful). And, each result element contain one or more child elements, and generating a child element for a one or more of said child elements (i.e., why the message failed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Chen with the teachings described by Bird to arrive at the claimed invention in order to provide a more efficient utilization of SMS to accommodate an increase in subscribers and their usage.

Regarding claims 7, 19, and 32 Chen discloses a method and system (see claims 1 and 14 rejection) wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message Service (SMS) message (see col. 3, lines 55-61).

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5. Claim 10-11 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Miralles (previously disclosed) and Bird.

Regarding claims 10 and 22, Chen discloses a method and system comprising receiving a short message from a web service client, the short messaging formatted to be readable by a web service and containing content data formatted to be readable by a mobile device i.e., the proxy server looks up the extracted keyword in the keyword-to-URL mapping to identify the URL of an application residing on a server on the network. The proxy server constructs a hypermedia protocol operation containing the keyword and the URL, and submits the operation over the Internet to the application. Upon receiving a hypermedia protocol response containing the requested content from the application, the proxy server extracts the content from the response and converts the content from the content-type used by the application to a content-type used by the SMSC. The proxy server then transcodes the content from the character set used by the application to a character set used by the SMSC and sends the transcoded content in an SMS response to the SMSC, for subsequent delivery to wireless device as an SMS message) (see col. 3, lines 22-40).

Although Chen discloses a method and system as described, the combination does not specifically disclose a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data to the mobile device.

However, Miralles discloses a method and system comprising determining whether a sender of the short message is authentic and authorized to send the short message based on

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sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Although the combination discloses a method, system, and medium as described, the combination does not specifically disclose a method, system, and medium comprising receiving a response readable by the originating system that indicates a status of delivery of two or more short messages, wherein said response has one or more result elements, and further wherein each said result elements has one or more child elements representing details of said result elements, wherein a first child count element of a first result element indicates a number of the one or more messages delivered successfully, and a second child count element of a second result element indicates a number of the one or more short messages unsuccessfully delivered, and wherein the response has one or more error cause elements comprising an indication of the cause of an error that resulted in unsuccessfully delivery of the short messages unsuccessfully delivered

However, Bird discloses that a whole process of accepting a message from a sender and distributing multiple copies of the message to recipients is referred to as a job. When a job is complete, the message distribution system automatically prepares a job status report for the sender. This report summarizes the outcome of the job (i.e., how many recipient messages were delivered successfully and how many failed) and provides details of success/failure on an



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individual recipient basis (e.g., how many times delivery to a particular recipient was tried and why it failed) (paragraph 226).

Thus, Bird discloses that the delivery status report contains results elements (i.e., successful and unsuccessful). And, each result element contain one or more child elements, and generating a child element for a one or more of said child elements (i.e., why the message failed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Chen with the teachings described by Bird to arrive at the claimed invention in order to provide a more efficient utilization of SMS to accommodate an increase in subscribers and their usage.

Regarding claims 11 and 23, Chen discloses a method and system wherein generating a short message comprises generating an extensible Mark-up Language (XML) file including the content data contained in a Short Message Service (SMS) message (see col. 3, lines 55-61).

6. Claims 2-4, 6, 15-16, 18, 27-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Bird, further in view of Miralles et al. (Miralles), Pub. No. US 2004/0259531.

Regarding claims 2 and 27, the combination of Chen and Bird discloses a method and a computer-readable medium (see claim 1 rejection) further comprising receiving the one or more short messages at a web service (see abstract).

Although the combination discloses a method and a computer readable medium as described, the combination does not specifically disclose a method and a computer readable

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medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message; and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device.

However, Miralles discloses a method and a computer readable medium comprising determining whether a sender of the short message is authentic and authorized to send the short message based on sender information in the short message (see paragraphs 65-74); and if the sender of the short message is authentic and authorized to send the short message, sending the content data from the short message to the mobile device (see paragraphs 65-74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 3, 15, and 28, the combination discloses a method and system as described above (see claims 1 and 14 rejection).

Although the combination discloses a method and system as described, the combination does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting sender information, the sender information comprising a sender identification and a sender password (see paragraph 65).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to allow secure connection with the system.

Regarding claims 4, 16, and 29, the combination discloses a method and system as described above (see claims 1 and 14 rejection).

Although the combination discloses a method and system as described above, the combination does not specifically disclose a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the destination information comprising a service provider and a cellular telephone number of a destination mobile device.

However, Miralles discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting destination information, the destination information comprising a service provider and a cellular telephone number of a destination mobile device (see paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

Regarding claims 6, 18, and 31, the combination discloses a method and system as described above (see claims 1 and 14 rejection).

Although the combination discloses a method and system as described above, the combination does not specifically disclose a method and system wherein generating a short

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message further comprises: determining whether the content data is longer than a pre-determined size for the short message; responsive to determining the content data is longer than the pre-determined size for the short message, determining whether to split the content data into multiple portions; responsive to determining to split the content data into multiple portions, splitting the content data into multiple portions, each portion not longer than the predetermined size for the short message; and encapsulating each portion in a separate short message.

However, Miralles discloses a method and system wherein short message composition block 33, if necessary, performs segmentation of the message. In this event, in order to know the maximum size of the message admitted by the mobile telephony network, it is calculated from the DCS parameter and the coding of the characters. The short message composition block recovers the short message creation data: DCS, NPI, etc. and builds the new short messages. In the case in which the user data header indicator is not specified in the received message, the value of this is inserted, depending on whether the message has had to be segmented for exceeding the maximum size and the decoded text is introduced in the new short messages. Next the composed short messages are sent to short message transmission block 36 which establishes connection with the SMSC 5 for transmission of the messages to GSM network 10 (see paragraphs 70-72)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide a system wherein high costs and long implementation times can be avoided.

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7. Claims 5, 8-9, 17, 20, 30, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Bird in view of Wood et al. (Wood), International Publication No. WO 03/001819 A2 (cited by applicant).

Regarding claims 5, 8-9, 17, 20-21, 30, 33-34, the combination discloses a method and system as described above (see claims 1, 14 rejection).

Although the combination discloses a method and system wherein collecting information to be sent to the mobile device further comprises collecting delivery information, the combination does not specifically disclose a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile device and wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message, and sending the short message using SOAP.

However, Wood discloses a method and system wherein the delivery information comprising a time and date for the web service to send the content data to the mobile device (i.e., schedule) (see page 17, line 3), and including data contained in a MMS message (see page 17, lines 8-16), and sending the short message using SOAP (see page 34, lines 9-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the message.

8. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, Bird, and Miralles, further in view of Wood.

The combination discloses a method and system as described.

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Although the combination discloses a method and system as described above, the combination does not specifically disclose a method and system wherein the XML file (see col. 3, lines 55-61 of Chen) including data contained in a MMS message.

However, Wood discloses a method including data contained in a MMS message (see page 17, lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper sending of the message.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PIERRE-LOUIS DESIR/  
Examiner, Art Unit 2617